

**POLICY**

Detention and jail are the most restrictive placements available and do not provide rehabilitative treatment for juvenile offenders. The assigned case worker must ensure that alternatives to placement in detention or jail are considered and that when it is necessary to place a youth in detention or jail, the restrictions on placement in detention or jail are followed.

**PURPOSE**

To provide detention alternatives including regional detention support services (RDSS), as well as criteria and restrictions for youth placement in detention and jail and to provide requirements on:

- Deinstitutionalization of status offenders.
- Removal of juveniles from adult jails and lockups.
- Sight and sound separation of juveniles from adult detainees.

**JUVENILE  
DETENTION  
ALTERNATIVES**

Planning for delinquent youth referred or committed to DHS must be based on the family and youth strengths and needs assessment, community safety, court recommendations, and assurance that reasonable efforts have been made to prevent removal from the family. When a youth is referred or committed to DHS or has violated a valid court order, an evaluation should be made to determine if replacement is necessary for the youth's treatment and/or their family and public safety. The treatment and placement continuum must be considered beginning with the least restrictive placement for the assigned risk level. The treatment and placement continuum includes, but is not limited to:

- Judicial warning to juvenile or parent(s) and dismissal of petition.
- Fines, restitution, community service and/or curfew restrictions.
- New assessment and/or community-based treatment services to address current offense behaviors.
- Order for parent(s) to refrain from conduct that might be harmful to the youth and/or to participate in treatment.
- In home detention and community-based treatment services.

- In home electronic monitoring and community-based treatment services.
- Foster or relative home placement and community-based treatment services.
- Non-secure residential placement with treatment services.
- Secure residential placement or hospitalization with treatment services.
- Secure juvenile detention facility.
- Adult jail, detention or lockup.

#### **REGIONAL DETENTION SUPPORT SERVICES**

Regional detention support services (RDSS) provides alternatives to juvenile detention or adult jail for juvenile offenders who have been arrested and who are awaiting a hearing and/or a placement.

Services include holdover, home detention, electronic monitoring, and transportation to and from the juvenile detention facilities in Michigan utilizing trained volunteers as attendants and transporters. RDSS services are accessed through Child Welfare Funding and Juvenile Programs by calling 517-335-6144.

#### **Eligibility and Cost**

Eligibility for RDSS is determined by the county of jurisdiction and includes the sixty-one rural counties in Michigan that do not have a secure detention facility and native american tribal jurisdictions.

In counties with a population 75,000 or less, the costs of RDSS are 100 percent reimbursable. In counties with a population over 75,000 the reimbursement rate is 50 percent.

#### **Holdover in Rural Counties**

Non-secure holdover sites may be used for up to 24 hours in rural counties for any youth who cannot be returned home. Holdover sites may be located at a sheriff's office, detoxification center,

community mental health center, local hospital, or similar facility. An attendant must provide one-on-one supervision.

### **Home Detention**

Home detention may be provided to youth placed in their own homes pre-adjudication or post-adjudication. A contract must be signed by the arrested youth, the parents, and the court, outlining conditions that must be followed during this time. Supervision takes the form of daily contacts with the youth to ensure the contract conditions are met. Youth receiving this service must have a preliminary hearing or a post-disposition review hearing with a court order authorizing home detention. The local court of jurisdiction may recruit and supervise volunteers who are paid a daily stipend to provide home detention supervision. The length of home detention for pre-adjudication can be a maximum of 90 days and for post-adjudication a maximum of 30 days.

### **Transportation To and From Juvenile Detention**

When a secure juvenile detention facility is not available in the county of jurisdiction, RDSS provides funds for transporters and attendants to transport a youth:

- To placement in one of the approved, secure juvenile detention facilities in Michigan.
- To and/or from court to one of the approved, secure juvenile detention facilities.
- From one of the approved, secure juvenile detention facilities to a final placement.

### **Electronic Monitoring (EM)**

Electronic monitoring (EM), also known as tether, may be used for pre-disposition and as a disposition. Pre-disposition, a youth must be placed on home detention before EM can be utilized. Post-disposition, a youth must have been adjudicated for a violation of law or probation violation. A court order must document the youth is targeted for jail, detention, a foster home, group home, or other public or private residential treatment program and that state

probation combined with electronic monitoring is an alternative to that placement.

The youth must be court ordered on electronic monitoring as a part of a case-specific plan. Electronic monitoring may be used for thirty days to a maximum of 90 days. This period of time may be extended with a court order and approval by RDSS. The specific duration must be determined by an assessment of the youth's risk factors, strengths and needs, and attainment of treatment goals.

The assigned case worker must be available or provide appropriate back up after hours and on weekends for emergency curfew changes and/or trouble shooting with the Department of Corrections Monitoring Unit as necessary. Local office staff must establish procedures to receive notification during non-working hours and an after hours telephone number must be provided to the monitoring unit.

## JUVENILE DETENTION

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## Deinstitutionalization of Status Offenders

Juveniles who have been charged with or who have committed a status offense must not be placed in a secure juvenile detention facility, unless the youth:

- Committed a violation of a valid court order.
- Is being held in accordance with the Interstate Compact on Juveniles.

In addition to truancy, curfew violations, incorrigibility, running away and underage alcohol offenses are considered status offenses for federal compliance.

Offenses such as operating under the influence of alcohol, which are criminal offenses for all adults (not just those under 21), would not be considered status offenses for juveniles.

**Violations**

If a case worker has information that a juvenile is placed in secure detention in violation of the above requirements, the case worker must report the suspected violation via email at [Juvenile-Justice-Policy@michigan.gov](mailto:Juvenile-Justice-Policy@michigan.gov) and include as much of the following information as possible:

- Name of juvenile.
- Date of birth.
- Name of secure detention facility.
- Length of stay.
- Status offense type.
- Date of status offense.

**Court-Ordered  
Juvenile Detention**

Juvenile detention facilities are not designed for rehabilitation and therefore should be used only when necessary and for a limited time. The assigned case worker may recommend juvenile detention for temporary placement of a youth only when no other placement can be made within the placement continuum that will keep the youth and/or the public safe. See Juvenile Detention Alternatives in this item for more information on alternatives.

The court may order a youth placed in juvenile detention if the court finds probable cause to believe the juvenile committed the offense, and one or more of the following are true:

- The offense alleged is so serious that release would endanger the public safety, OR;
- The juvenile is charged with an offense that would be a felony if committed by an adult and will likely commit another offense pending trial, if released, AND
  - Another petition is pending against the juvenile,
  - The juvenile is on probation or has a prior adjudication, but was not under jurisdiction when apprehended.
- There is a substantial likelihood that if the juvenile is released to the parent, guardian or legal custodian, with or without conditions, the juvenile will fail to appear at the next hearing;

- The home conditions of the juvenile make detention necessary;
- The juvenile has failed to remain in a detention facility or nonsecure facility or placement in violation of a valid court order.

***Detention Beyond 30 Days***

If a youth is to remain in detention for more than 30 calendar days, approval must be obtained from the local office director or designee prior to the 30th calendar day using the DHS-2012, Detention/Jail Placement Exception Request. If the request is denied, the youth must be moved from detention within five calendar days.

***Payment for Detention Care***

For newly committed 1974 PA 150 state wards, the department must pay for detention care beginning on the date of acceptance. For other PA 150 state wards who require detention, the department must assume costs provided the youth is placed in detention at the department's authorization. Approved DHS-2012 requests must be submitted, along with the detention invoice, for payment to be made. Invoices for detention beyond 30 days without an approved DHS-2012 attached will be returned to the county.

For additional instruction regarding payment, see FOM 903-2, Payment for Detention Care.

**JAIL, ADULT  
DETENTION OR  
LOCKUP****Delinquent Youth  
Under Age 17**

Delinquent youth under age 17 years taken into custody or detained must not be confined in any:

- Police station.
- Lockup.
- Jail.
- Prison.

Delinquent youth under 17 years of age taken into custody must not be transported with or be permitted to associate with adult inmates.

**Exception:** A court may order that a delinquent youth age 15 years or older be placed in jail or another detention facility for adults, separated from adults by both sight and sound. The court must determine that the youth is a menace to other delinquent youth or may not otherwise be safely detained. See MCL 712A.15(5) and 712A.16(1).

### **Violations**

If a case worker has information that a juvenile is placed in jail, adult detention or lockup in violation of the above requirements, the case worker must report the suspected violation via email at [Juvenile-Justice-Policy@michigan.gov](mailto:Juvenile-Justice-Policy@michigan.gov) and include as much of the following information as possible:

- Name of juvenile.
- Date of birth.
- Name of jail, adult detention or lockup facility.
- Length of stay.
- Offense type.
- Date of offense.

### **Beyond Five Working Days**

Jail may not be used for any delinquent youth beyond five working days without the approval of the local office director or designee. The request for approval must be completed using the DHS-2012, Detention/Jail Placement Exception Request.

### **Beyond 30 Days**

Detention of a youth in jail or other detention facilities for adults must be limited to 30 days unless longer detention is needed for the service of process.

A court may place a youth in a county jail if the case is to be tried in the same manner as an adult and the court has determined that there is probable cause to believe the delinquent youth committed the offense.

### **PAYMENT FOR DETENTION CARE**

For newly committed 1974 PA 150 state wards, the department must pay for detention care beginning on the date of acceptance. For other PA 150 state wards who require detention, the

department must assume costs **provided the youth is placed in detention at the department's authorization. For detailed instruction regarding payment, see FOM 903-2, Detention Care.**

## LEGAL BASE

The United States Code, Title 42-The Public Health and Welfare, 42 USC 5633 (11)-(14).

The Probate Code, 1939 PA 288, as amended, MCL 712A.1 et seq.